

Introduced 6/27/13

ORDINANCE NO. 13-482

AN ORDINANCE TO AMEND THE ZONING ORDINANCES OF THE
CITY OF HUNTSVILLE, ALABAMA

The public welfare requiring it, and under authority granted by Section 11-52-78 of the 1975 *Code of Alabama*, **BE IT ORDAINED** by the City Council for the City of Huntsville, Alabama, that the Zoning Ordinance of the City of Huntsville, Alabama, as adopted on the 21st day of March 1963, as amended, is hereby further amended as follows:

Section 1. Amend ARTICLE 92 - BOARD OF ADJUSTMENT, to amend Section 92.5 - Powers and Duties, subsection 92.5.3 - Permitted Uses as Special Exceptions by adding new subsection 92.5.3(36) to read as follows:

- (36) Entertainment, as entertainment is defined herein, in restaurants, as restaurants are defined herein, located in Neighborhood Business C-1 and C-2 districts provided all of the following conditions are met in addition to any other conditions that may be imposed by the Board of Adjustment:
 - (a) Approval shall be for the licensee only and for the current license year only.
 - (b) Each year the licensee shall notify all residents within five hundred (500) feet by certified mail of the request at least two weeks prior to the date of the Board of Adjustment meeting.
 - (c) The entertainment shall not be audible outside the interior of the licensed premises.
 - (d) No entertainment shall be permitted and no entertainment shall be audible in the areas of any private sidewalk, courtyard or patio seating.
 - (e) No entertainment shall be permitted after 11:00 p.m.
 - (f) The Board of Adjustment shall have no authority to grant variances to preceding conditions (a) through (e).

Section 2. This ordinance shall take effect from and after the date of its publication.

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ADOPTED this the _____ day of _____, 2013.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2013.

Mayor of the City of Huntsville,
Alabama